

Application No. 10/005,143

REMARKS

Claims 1-10 are pending. By this Amendment, the title and claims 1 and 10 are amended. The claims have been amended to more clearly recite Applicants' invention.

Applicants appreciate the Examiner's indication that the proposed drawing corrections are acceptable. Applicants will thus file appropriate formal drawings upon receipt of a Notice of Allowance.

Claims 1-5 and 7-10 were rejected under 35 U.S.C. §103(a) over Jones et al. (Jones), U.S. Patent No. 5,850,803. The rejection is respectfully traversed.

Jones fails to disclose a combination of a car bumper and a light unit for a car, the car bumper covering a portion of a waistline of a vehicle body and comprising an outside skin formed by a wall of plastics material, the light unit having as component elements both a housing suitable for containing at least one light source and a glass enabling light emitted by said light source to be diffused, wherein the outside skin of the car bumper includes an arrangement forming at least a portion of at least one of the component elements of the light unit, as recited in claim 1 and as similarly recited in claim 10.

Applicants claimed invention is advantageous in reducing the volume occupied by the rigid portions of the light unit so that any deformation of the car bumper surrounding the light unit can take place without the rigid portions of the light unit being harmed (specification, page 2, lines 18-24). In previous car light units, the light units were situated between a wing, a bumper, and the hood or tailgate. The light units were not integrated into any pieces of bodywork. Also, with previous light units, it is difficult to position the pieces of bodywork towards each other because of deformations due to thermal dilation and mechanical constraints. Thus, the light units affixed to the car do not follow bodywork deformation and gaps appear between the pieces of bodywork and the light units. Applicants overcome this

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d ficiency by providing light units that accommodate for the deformations of the pieces of bodywork that surround them with the invention as recited in claims 1 and 10.

Jones fails to disclose or suggest Applicants' claimed invention because Jones fails to

disclose or suggest a car bumper and a light unit for a car. Jones also fails to disclose or

suggest the problems presented and solved by Applicants' claimed invention. In particular,

Jones discloses a personal watercraft having daytime running headlights which are positioned

above the deck line and forward of the handlebar so that light illuminating from the daytime

running headlight is easily visible to other boaters even in relatively choppy water (col. 1,

lines 37-41 and col. 3, lines 13-17). In order to protect the headlights 28, 30 from the effects

of the water, the headlights 28, 30 are located behind a sealed transparent lens cover 34,

wherein the transparent lens cover 34 covers the headlight compartment 36 and is molded

into the deck shell 14 of the watercraft 10 (col. 3, lines 18-28).

Applicants first assert that one skilled in the car art would not look at watercrafts in

order to form a light unit for a car. Applicants' invention is directed to a bumper for a car.

One skilled in the art that manufacture pieces of bodywork for a car only work on terrestrial

vehicles. Conversely, Jones only relates to a personal watercraft, i.e., a nautical vehicle.

Applicants further assert that the arrangement of Jones' headlights 28, 30 on the

watercraft 10 fails to disclose Applicants' claims 1 and 10 because Jones' watercraft 10 is a

small vehicle provided with a bodywork that is in one piece. In order to position a light unit

on Jones' watercraft 10, it is logical to find the housing of the light unit integrated into the

middle of the single piece of bodywork. However, one skilled in the art cannot link this

positioning of the housing with the problems presented by a light unit that is loose between

several pieces of bodywork.

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Furthermore, Jones' headlights 28, 30, if placed in a car, would be integrated into the hood of a car and not the car bumper as recited in Applicants' claims 1 and 10. There is thus no disclosure, suggestion or motivation in Jones to place headlights 28, 30 in a car bumper.

Finally, Applicants' car bumper undergoes various stresses caused by crashes. In Jones, the headlights 28, 30 are located behind the deck line 32 which undergoes similar stresses. It is neither disclosed nor suggested in Jones to integrate the headlights 28, 30 into the deck line 32 nor is there any motivation to integrate a light unit into a bumper. Accordingly, Jones fails to provide headlights 28, 30 which would absorb the impact of a crash or to integrate a light unit into a car bumper which undergoes various deformations and constraints. In fact, Jones teaches away from integrating a light unit into a car bumper or headlights 28, 30 into a deck line 32 because Jones attempts to provide headlights that are easily visible to other boaters.

In view of the foregoing, Applicants assert that Jones fails to disclose Applicants' car bumper and light unit for a car as recited in Applicants' claims 1 and 10. In addition, claims 2-5 and 7-9 recite additional features of the invention and are also believed to be allowable at least for the reasons discussed above with respect to claim 1 and for the additional features recited therein. It is respectfully requested that the rejection be withdrawn.

Claim 6 was rejected under 35 U.S.C. §103(a) over Jones in view of Bals et al. (Bals), U.S. Patent No. 4,750,093. The rejection is respectfully traversed.

Applicants assert that Bals fails to overcome the deficiencies of Jones as applied to claim 1. In addition, claim 6 recites additional features of the invention and is also believed to be allowable at least for the reasons discussed above with respect to claim 1 and for the additional features recited therein. It is respectfully requested that the rejection be withdrawn.

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In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-10 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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Date: August 6, 2003

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Un-Official Response to Applicant's arguments presented before Interview

Applicant traversed the rejection of claims 1-5 and 7-10 under 35 USC 103(a) as unpatentable over Jones et al. (US Pat 5,850,803). Applicant presented three basic arguments to support such traversal.

1- Non-analogous Art: Applicant states that the instant application is directed to a terrestrial vehicle (e.g. a car) and not to the watercraft disclosed by Jones et al..

2- Different problem solved: Applicant admits that Jones et al. do disclose a housing for a lighting unit, such housing being integrated into the a watercraft vehicle boy, however, the applicant argues that Jones et al. was concerned with problems different from those solved by the instant application. The applicant further argues that the teachings of Jones et al., if adapted to a terrestrial vehicle, would suggest integrating a light housing into a hood and not a bumper.

3- Teaching Away: Applicant argues that Jones et al. teaches away from the claimed invention as it attempts to provide headlights that are clearly visible to others.

In response to applicant arguments about Jones et al. being non-related prior art the applicant is advised that while the specifics of the Jones et al. reference are indeed directed to a watercraft, the general issues with which such reference is concerned are not. Jones et al. Provides illumination means for a motor vehicle, such illumination means being integrally formed with a body panel of the vehicle, such as is the claimed invention.

In response to applicants arguments that Jones et al. is not related to the same problems as the instant application, the applicant is advised that it has been held that the mere fact that the references relied on by the examiner fail to evidence an appreciation of the problem identified and solved by the applicant is not, standing alone, conclusive evidence of the non-obviousness of the claimed subject matter. The references may suggest doing what the applicant has done even though workers in the art were ignorant of the existence of the problem. *In re Gershon*, 152 USPQ 602 (CCPA 1967). In addition, that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

In this particular case since Jones et al. disclose, or suggest, all the structural features of the claimed (emphasis added) invention it was assumed to an equivalent of such structure. In addition, the art is replete with illumination devices located in vehicle bumpers, even if such vehicles were limited to only cars.

About the teaching away argument, the applicant is advised that disclosed examples and/or preferred embodiments do not teaching away from a broader disclosure or non-preferred embodiments. *In re Susi*, 440 F.2d 442, 169 USPQ 423 (CCPA 1971). While it might be argued that Jones et al. does not specifically state the advantages of the disclosed integral light unit housing and body panel, such statement was considered irrelevant in view of Jones et al. disclosure of the claimed invention structure.

Relevant Art

1,572,024 Mc Innes  
1,608,823 Slusser  
1,644,945 Pattison  
3,639,748 Pearson et al.  
4,213,644 Scrivo et al.  
4,270,787 Savell  
4,466,646 Delmastro et al.  
4,996,634 Haneda et al.  
5,288,117 Vogelgesang  
6,461,028 Huang

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August 14, 2003

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From: Scott M. SchulteYour Ref.: 10/005,143Our Ref.: 111393Number of Pages Sent (Including cover sheet): 9Prepared By: sxb**Comments:**

Enclosed herein is a copy of the August 6, 2003 Amendment as requested.

Sent by: JKS

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